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REMARKS

The Applicants appreciate the Examiner's thorough examination of the subject application and the indication that claims 9-16 are in a condition for allowance. Applicants further request reconsideration of the subject application based on the instant amendments and following remarks.

Claims 1, 3, and 4 have been amended and claim 2 cancelled. Claims 1, 3-16, 24-27, 30, and 25 are pending and claims 17-22, 39-64, and 67 are currently withdrawn. Support for the instant amendments can be found in claims 1, 3, and 4 as originally filed and throughout the specification. See, for example, page 22, line 20 to page 23, line 26 of the specification as filed. No new matter has been added by the claim amendments.

Claims 1, 2, 4, 24-27, 30, and 35 stand rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is traversed.

As the Office Action is understood, the term "optionally substituted" is alleged to render the claims indefinite.

Although Applicants continues to respectfully disagree with the position taken by the Office Action, claims 1 and 4, as currently amended, delete the term "optionally substituted" preceding individual elements of the Markush groups for variables R_1 - R_3 . Claims 1 and 4, as amended, particularly point out and distinctly claim the substituents with which the residues of R_1 - R_3 are optionally substituted.

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Thus, claim 1 is fully compliant with the requirements of 35 U.S.C. §112, including the definite requirements of §112, second paragraph. Claims 4, 24-27, 30, and 35 depend from claim 1 and are therefore also compliant with the requirements of §112, second paragraph. Applicants request withdrawal of the rejection and reconsideration of the claims.

Claims 1-6, 24, 27, and 35 were provisionally rejected under the judicially created double patenting doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 3, 8, 10, 11, 22-26, 29-32, 34, and 46 of U.S. application no. 10/154,482 (recently allowed).

Claims 1 and 3, as amended, provide compounds in which R_2 is not an aryl residue. Thus, claims 1, 3-6, 24, 27, and 35 of the instant application are directed to different pyrimidine compounds than those compounds provided by claims 3, 8, 10, 11, 22-26, 29-32, 34, and 46 of the '482 application.

Thus, claims 1, 3-16, 24-27, 30, and 35 are in a condition for allowance. Thus, Applicants respectfully request reconsideration and allowance of the instant application.

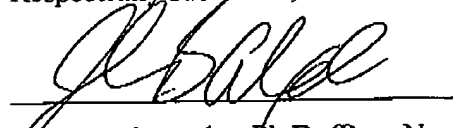
Applicants appreciate the indication that Group 1 of the restriction has been reformulated to incorporate the subject matter of Groups 3 and 6. Applicants respectfully request rejoinder of Group 7 as that group was originally defined in the November 5, 2003 Office Action with revised Group I. Applicants assert that multiple groups could be searched and examined together without undue burden. For instance, Groups 1 and 7 share a common classification (514 and 544), and said groups are drawn to claims which recite pyrimidine compounds having: (1) Ar selected from phenyl or naphthyl; (2) R_2 is selected from various groups including mono and disubstituted amino groups and alkoxy groups which do not comprise a heteroaryl or heterocyclic groups; and (3) R_3 is various groups in Group 1 including alkoxy. As such, the compounds in Groups 1 and 7 possess a common pyrimidine ring system having a common substitution pattern.

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Applicants believe that searching these additional claims will not pose an additional burden on the Examiner and request joining Groups 1 and 7.

Although it is not believed that any additional fees are needed to consider this submission, the Examiner is hereby authorized to charge our deposit account no. 04-1105 should any fee be deemed necessary.

Respectfully submitted,



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